

**Notice of Allowability**

Application No.

10/649,904

Examiner

Hargobind S. Sawhney

Applicant(s)

HARRELL ET AL.

Art Unit

2875

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 11.23.2005.
2. ☒ The allowed claim(s) is/are 1-25,32,33,36,39,41 and 42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets" ) must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948 ) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>2/13/2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                          |
|   | 9. <input type="checkbox"/> Other _____.  |

1. The amendment filed on November 23, 2005 has been entered. Accordingly:
  - Claims 1-3, 16, 18, 20-25, 30, 32, 36 and 38 have been amended;
  - Claims 26-29, 34, 35 and 40 have been cancelled; and
  - The specification has been amended.
2. On February 13, 2006, the examiner and the agent, Mr. Roy E. Williams, had a telephone conversation, wherein the amended independent claims 1, 23, 30, 32, 36 and newly added claims 41 and 42 were discussed. The examiner indicated, although each of amended claims 1, 23 and 32 includes allowable subject matter, it would be desirable to rephrase a few of the limitations for definite and clear recitation. Finally, the examiner indicated that the measures, detailed in section 3 of this office action, would place the application in an allowable condition.

A copy of the interview summary is attached herewith.

#### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Roy E. Williams on February 13, 2006.

Art Unit: 2875

Claim 1, lines 9 and 10, replace "front light said label on the container outer surface" with --the label surface exposed external to the container --;

Claim 23, line 6, replace "creating" with --directing--;

Claim 23, line 7, Replace "said container outer surface " with --the label surface exposed external to the container --;

Claim 23, delete lines 11 and 12;

Cancel Claim 30;

Claim 32, line 3, delete "an opening or";

Claim 32, line 5, " the label" with -- the label surface exposed external to--;

Claim 32, line 6, delete "by front lighting".

In addition:

Claim 36, insert --c) said side-mounted flexible membrane material is adapted to be moved inwardly to energize said means for illuminating; and d) a light guide means within said container cap for directing at least one light beam produced by said means for illuminating, to the label surface exposed external to the container--; and

Cancel claims 37 and 38.

Claim 41, lines 1 and 2, replace "for use with a container having an opening and a removable closure coupled to the container to close the opening" with --mountable on a removable closure of a container--;

Claim 41, line 4, delete "for"; and insert -- by friction-fit or threaded connection,-- after "closure"; and

Claim 42, line 3, replace "couplable to" with – closing --.

***Allowable Subject Matter***

4. Claims 1-25, 32, 33, 36, 39, 41 and 42 are allowed.

The prior art of record, including, Dubinin et al. (WO 01/90640 A1), Zelensky et al. (US Patent No.: 5,178,450) and Wolf (US Patent No.: 4,836,476), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose an illuminating apparatus combining:

- a container cap adapted to direct at least one light beam produced by the at least one light source to the label surface exposed external to the container as recited in the amended independent Claim 1;
- an illumination means within the housing means for directing at least one light beam for illuminating the label surface exposed external to the container as recited in the amended independent Claim 23;
- a method step of illuminating the label surface exposed external to the container with an illumination source coupled to the cap covering the container as recited in the amended independent method claim 32;
- a side mounted flexible membrane material adapted to be moved inwardly to energize the illumination means included in a container cap as recited in the amended independent claim 36;

- a cap gripping at least a portion of the container closure with friction-fit or threaded connection, and the cap including illuminating means for illuminating the label surface exposed external to the container as recited in the amended independent Claim 41; and
- a housing means closing a container, and the housing means receiving an a light-guide, which is directing at least one light beam, produces by an illumination means positioned within the housing, to the label provided on the container outer surface as recited in the amended independent claim 42.

The above-indicated combinations, including a container closure directing light beams to illuminate the label surface exposed external to the container, makes this invention unique.

Dubinín et al. (WO 01/90640 A1), Zelensky et al. ('450) and Wolf ('476) each teaches a container having a removably coupled cap having means for illuminating the inner surface. Neither combined nor individual teaching of Dubinín et al. (WO 01/90640 A1), Zelensky et al. ('450) and Wolf ('476) teaches illuminating the outer surface of the container as detailed above.

Therefore, Claims 1-25, 32, 33, 36, 39, 41 and 42 are allowed over prior art.

Claims 2-22 are necessarily allowed because of their dependency on the allowable base Claim 1.

Claims 24, 25 and 39 are necessarily allowed because of their dependency on the allowable base Claim 23.

Claim 33 is necessarily allowed because of their dependency on the allowable base Claim 32.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

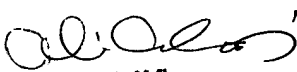
### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS  
2/14/2006

  
**ALI ALAVI**  
**PRIMARY EXAMINER**